

SENATE, No. 637

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator B.Smith

SYNOPSIS

Requires water purveyors to develop and implement leak detection programs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning water supplies, amending and supplementing
2 P.L.1981, c.262, and amending R.S.48:2-23.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1981, c.262 (C.58:1A-3) is amended to read
8 as follows:

9 3. As used in the provisions of P.L.1981, c.262 (C.58:1A-1 et
10 **[seq.] al.**), P.L.1993, c.202 (C.58:1A-7.3 et al.) and P.L.2003,
11 c.251 (C.58:1A-13.1 et al.):

12 "Aquaculture" means the propagation, rearing and subsequent
13 harvesting of aquatic organisms in controlled or selected
14 environments, and the subsequent processing, packaging and
15 marketing, and shall include, but need not be limited to, activities to
16 intervene in the rearing process to increase production such as
17 stocking, feeding, transplanting, and providing for protection from
18 predators. "Aquaculture" shall not include the construction of
19 facilities and appurtenant structures that might otherwise be
20 regulated pursuant to any State or federal law or regulation.

21 "Aquatic organism" means and includes, but need not be limited
22 to, finfish, mollusks, crustaceans, and aquatic plants which are the
23 property of a person engaged in aquaculture.

24 **[a.]** "Commissioner" means the Commissioner of **[the**
25 Department of**]** Environmental Protection or the commissioner's
26 designated representative **[:]** .

27 **[b.]** "Consumptive use" means any use of water diverted from
28 surface or ground waters other than a nonconsumptive use as
29 defined in this section **[:]** .

30 **[c.]** "Department" means the Department of Environmental
31 Protection **[:]** .

32 **[d.]** "Diversion" means the taking or impoundment of water
33 from a river, stream, lake, pond, aquifer, well, other underground
34 source, or other water body, whether or not the water is returned
35 thereto, consumed, made to flow into another stream or basin, or
36 discharged elsewhere**[:]** .

37 **[e.]** "Nonconsumptive use" means the use of water diverted
38 from surface or ground waters in such a manner that it is returned to
39 the surface or ground water at or near the point from which it was
40 taken without substantial diminution in quantity or substantial
41 impairment of quality **[:]** .

42 **[f.]** "Person" means any individual, corporation, company,
43 partnership, firm, association, owner or operator of a **[water supply**
44 facility**]** public water system, political subdivision of the State and
45 any state, or interstate agency or Federal agency **[:]** .

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Public community water system" means a public water system
2 which serves at least 15 service connections used by year-round
3 residents or regularly serves at least 25 year-round residents.

4 "Public water system" means a system for the provision to the
5 public of water for human consumption through pipes or other
6 constructed conveyances, if such system has at least 15 service
7 connections or regularly serves an average of at least 25 individuals
8 daily at least 60 days out of the year. "Public water system"
9 includes: (1) any collection, treatment, storage and distribution
10 facilities under control of the operator of such system and used
11 primarily in connection with such system; and (2) any collection or
12 pre-treatment storage facilities not under such control which are
13 used primarily in connection with such system.

14 **【g. "Waters" or "waters of the State" means all surface waters**
15 **and ground waters in the State;**

16 **h.】 "Safe or dependable yield" or "safe yield" means that**
17 **maintainable yield of water from a surface or ground water source**
18 **or sources which is available continuously during projected future**
19 **conditions, including a repetition of the most severe drought of**
20 **record, without creating undesirable effects, as determined by the**
21 **department 【;】 .**

22 **【i. "Aquaculture" means the propagation, rearing and**
23 **subsequent harvesting of aquatic species in controlled or selected**
24 **environments, and the subsequent processing, packaging and**
25 **marketing, and shall include, but need not be limited to, activities to**
26 **intervene in the rearing process to increase production such as**
27 **stocking, feeding, transplanting, and providing for protection from**
28 **predators. "Aquaculture" shall not include the construction of**
29 **facilities and appurtenant structures that might otherwise be**
30 **regulated pursuant to any State or federal law or regulation;**

31 **j. "Aquatic organism" means and includes, but need not be**
32 **limited to, finfish, mollusks, crustaceans, and aquatic plants which**
33 **are the property of a person engaged in aquaculture;**

34 **k.】 "Six Mile Run Reservoir Site" means the land acquired by**
35 **the State for development of the Six Mile Run Reservoir in Franklin**
36 **Township, Somerset County, as identified by the Eastern Raritan**
37 **Feasibility Study and the New Jersey Statewide Water Supply Plan**
38 **prepared and adopted by the department pursuant to section 13 of**
39 **P.L.1981, c.262 (C.58:1A-13).**

40 "Unaccounted-for-water" means the difference between the
41 amount of water that leaves a water purveyor's public water system
42 and the amount of water delivered through service meters for which
43 the water purveyor bills, expressed as a total amount and as a
44 percentage of the water purveyor's total water output.

45 "Water purveyor" means any person that owns or operates a
46 public water system.

47 "Water supply facility" means and refers to the real property and

1 the plants, structures, interconnections between existing water
2 supply facilities, machinery and equipment and other property, real,
3 personal and mixed, acquired, constructed or operated, or to be
4 acquired, constructed or operated, in whole or in part, by or on
5 behalf of a water purveyor, or by or on behalf of the State or a local
6 government unit, for the purpose of augmenting the natural water
7 resources of the State and making available an increased supply of
8 water for all uses, or of conserving existing water resources, and
9 any and all appurtenances necessary, useful or convenient for the
10 collecting, impounding, storing, improving, treating, filtering,
11 conserving or transmitting of water, and for the preservation and
12 protection of these resources and facilities, whether in public or
13 private ownership, and providing for the conservation and
14 development of future water supply resources, and facilitating
15 incidental recreational uses thereof.

16 "Water supply project" means any work relating to the
17 acquisition, construction, improvement, repair or reconstruction of
18 all or part of any structure, facility or equipment, or real or personal
19 property necessary for or ancillary to a water supply facility that
20 meets the requirements set forth in sections 24, 25, and 26 of
21 P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-
22 22.1), or any work relating to any other project eligible for funding
23 pursuant to the federal "Safe Drinking Water Act Amendments of
24 1996," Pub.L.104-182, and any amendatory and supplementary acts
25 thereto.

26 "Waters" or "waters of the State" means all surface waters and
27 ground waters in the State.

28 (cf: P.L.2003, c.251, s.1)

29

30 2. (New section) a. Every water purveyor shall annually
31 provide the commissioner with the following information:

32 (1) The amount of unaccounted-for-water leaving its public
33 water system during the current calendar year;

34 (2) A discussion of short-term measures that are underway or
35 could be initiated to reduce the amount of unaccounted-for-water;
36 and

37 (3) A plan of action containing long-term measures to reduce
38 the amount of unaccounted-for-water.

39 b. Any approval granted by the department for a water supply
40 project, which has been financed, directly or indirectly, out of
41 public funds, in whole or in part, or any renewal of a water supply
42 project approval shall be subject to the satisfactory compliance with
43 the provisions of this section.

44

45 3. (New section) a. Each water purveyor that distributes water
46 supplies in excess of an average of 100,000 gallons per day during
47 any 30-day period shall develop and undertake a systematic

1 program to monitor and control leakage within its public water
2 system.

3 b. The leak detection program developed and undertaken
4 pursuant to subsection a. of this section shall, at a minimum,
5 include:

6 (1) periodic surveys to monitor leakage, enumerate
7 unaccounted-for-water, and determine the current status of system
8 infrastructure;

9 (2) recommendations to monitor and control leakage; and

10 (3) a schedule for the implementation of these
11 recommendations.

12 c. Each leak detection program developed by a water purveyor
13 shall be subject to review and approval by the department.

14 d. Each water purveyor that distributes in excess of one million
15 gallons per day shall submit its initial program to monitor and
16 control leakage to the department within six months after the
17 effective date of P.L. , c. (C.) (pending in the Legislature
18 as this bill), and each water purveyor that distributes between
19 100,000 gallons per days and one million gallons per day shall
20 submit its initial program to monitor and control leakage to the
21 department within nine months after the effective date of P.L. ,
22 c. (C.) (pending in the Legislature as this bill).

23 e. Each water purveyor shall prepare and submit to the
24 department a revised and updated program to monitor and control
25 leakage every three years thereafter. The department may require
26 more frequent leak detection program updates from water purveyors
27 with unaccounted-for-water that is in excess of 15 percent.

28

29 4. (New section) The commissioner shall adopt, pursuant to
30 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.), rules and regulations as are necessary to effectuate the
32 provisions of P.L. , c. (C.) (pending in the Legislature as
33 this bill).

34

35 5. Section 9 of P.L.1981, c.262 (C.58:1A-9) is amended to read
36 as follows:

37 9. The Board of **Regulatory Commissioners** Public Utilities
38 shall fix just and reasonable rates for any public water **supply**
39 system subject to its jurisdiction, as may be necessary for that
40 system to comply with an order issued by the department or the
41 terms and conditions of a permit issued pursuant to P.L.1981, c.262
42 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.).
43 (cf: P.L.1993, c.202, s.8)

44

45 6. R.S.48:2-23 is amended to read as follows:

46 48:2-23. a. The board may, after public hearing, upon notice, by
47 order in writing, require any public utility to furnish safe, adequate
48 and proper service, including furnishing and performance of service

1 in a manner that tends to conserve and preserve the quality of the
2 environment and prevent the pollution of the waters, land and air of
3 this State, and including furnishing and performance of service in a
4 manner which preserves and protects the water quality of a public
5 water supply, and to maintain its property and equipment in such
6 condition as to enable it to do so.

7 The board may, pending any such proceeding, require any public
8 utility to continue to furnish service and to maintain its property and
9 equipment in such condition as to enable it to do so.

10 The board, in requiring any public water utility to furnish safe,
11 adequate and proper service, may require the public water utility to
12 retain in its rate base any property which the board determines is
13 necessary to protect the water quality of a public water supply.

14 b. Every public water utility shall annually provide the board
15 with the following information:

16 (1) the amount of unaccounted-for-water leaving its public
17 water system during the current calendar year;

18 (2) a discussion of short-term measures that are underway or
19 could be initiated to reduce the amount of unaccounted-for-water;
20 and

21 (3) a plan of action containing long-term measures to reduce the
22 amount of unaccounted-for-water.

23 For the purposes of this subsection, "unaccounted-for-water"
24 means the difference between the amount of water that leaves a
25 public water utility's public water system and the amount of water
26 delivered through service meters for which the public water utility
27 bills, as provided in section 1 of P.L.1973, c.230 (C.48:19-18.1),
28 expressed as a total amount and as a percentage of the water
29 purveyor's total water output.

30 (cf: P.L.1988, c.163, s.5)

31
32 7. This act shall take effect immediately.

33 34 35 STATEMENT

36
37 This bill would require the State's public and private water
38 providers to develop and implement water leakage prevention and
39 reduction plans. Specifically, every water purveyor would be
40 required to annually provide the Commissioner of Environmental
41 Protection with the following information: (1) the amount of
42 unaccounted-for-water leaving its public water system during the
43 current calendar year; (2) a discussion of short-term measures that
44 are underway or could be initiated to reduce the amount of
45 unaccounted-for-water; and (3) a plan of action containing long-
46 term measures to reduce the amount of unaccounted-for-water.
47 Public water utilities would also be required to provide this
48 information to the Board of Public Utilities.

1 Any approvals granted by the Department of Environmental
2 Protection (DEP) for a water supply project, which has been
3 financed, directly or indirectly, out of public funds, in whole or in
4 part, or any renewal of an approval for a water supply project would
5 be subject to the satisfactory compliance with the provisions of this
6 bill.

7 The bill would also require every water purveyor that distributes
8 water supplies in excess of an average of 100,000 gallons per day
9 during any 30-day period to develop and undertake a systematic
10 program to monitor and control leakage within its public water
11 system. The leak detection program must include, at a minimum:
12 (1) periodic surveys to monitor leakage, enumerate unaccounted-
13 for-water, and determine the current status of system infrastructure;
14 (2) recommendations to monitor and control leakage; and (3) a
15 schedule for the implementation of these recommendations.

16 Each leak detection program developed by a water purveyor
17 would be subject to the review and approval of the DEP. Each
18 water purveyor that distributes in excess of one million gallons per
19 day would be required to submit its initial program to monitor and
20 control leakage to the DEP within six months after the date of
21 enactment of the bill into law, and each water purveyor that
22 distributes between 100,000 gallons per day and one million gallons
23 per day would be required to submit its initial program to monitor
24 and control leakage to the DEP within nine months after the date of
25 enactment of the bill into law. Further, each water purveyor would
26 be required to prepare and submit a revised and updated program to
27 monitor and control leakage every three years thereafter. Lastly,
28 the DEP may require more frequent leak detection program
29 submissions from water purveyors with unaccounted-for-water that
30 is in excess of 15 percent.